

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

HECTOR J. AVILA,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:14-CV-85

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On April 9, 2014, United States Magistrate Judge Jason B. Libby issued his Memorandum and Recommendation recommending dismissal of Petitioner's claim. D.E. 6. The parties were provided proper notice and opportunity to object to the Magistrate Judge's Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); Article IV, General Order No. 2002–13, United States District Court for the Southern District of Texas. Objections to the Memorandum and Recommendation were due within 14 days of being served with a copy. D.E. 6, p. 4. On April 22, 2014, Petitioner filed a motion for extension of time to file his objections. D.E. 7. That motion was granted, and Petitioner was ordered to file his objections by May 23, 2014. D.E. 8. On May 23, 2014, Petitioner filed a second motion for extension of time to file his objections.¹ D.E. 14. That motion was also granted, and Petitioner was ordered to file his objections by July 25, 2014. D.E. 16. On July 16, 2014, Petitioner filed a *nunc pro tunc* motion which was construed as a motion for extension of time. D.E. 18 and 19.

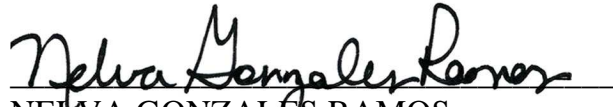
¹ This motion was incorrectly docketed as objections to the Memorandum and Recommendation.

That motion was granted and Petitioner was ordered to file his objections by August 15, 2014. D.E. 19. As of August 22, 2014, no objections have been filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 6), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, this action (D.E. 1) is **DISMISSED**.

ORDERED this 26th day of August, 2014.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE